

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Loganview Drive, 35' E of
the c/l of Courtway
(3500 Loganview Drive)
12th Election District
7th Councilmanic District
Jose Lopez, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-131-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Jose Lopez, Jr. and Janice S. Lopez. The Petitioners request relief from Section 1801.2.C to permit a front average setback of 26 feet in lieu of the required 32 feet for a proposed kitchen enlargement in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of November, 1992 that the Petition for Administrative Variance requesting relief from Section 1801.2.C to permit a front average setback of 26 feet in lieu of the required 32 feet for a proposed kitchen enlargement, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

November 24, 1992

(410) 887-4386

Mr. & Mrs. Jose Lopez, Jr.
3500 Loganview Drive
Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Loganview Drive, 35' E of the c/l of Courtway
(3500 Loganview Drive)
12th Election District - 7th Councilmanic District
Jose Lopez, Jr., et ux - Petitioners
Case No. 93-131-A

Dear Mr. & Mrs. Lopez:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3500 LOGANVIEW DRIVE
which is presently zoned DR 5 S

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s):
To allow a front average setback of 26' in lieu of the required 32' for a kitchen enlargement.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Existing kitchen is inadequate for family. Only practical location to enlarge is towards the front.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, or we, do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.	
Legal County:	Baltimore
City or Post Name:	JOSE LOPEZ, JR.
Signature:	JOSE LOPEZ, JR.
Address:	JANICE S. LOPEZ
City:	Baltimore
State:	Maryland
Zip:	21222
Address:	3500 LOGANVIEW DRIVE
City:	Baltimore
State:	Maryland
Zip:	21222

Public Hearing: Having been imposed and/or heard to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11th day of November, 1992, that the subject matter of this petition be set for a public hearing, advertising, as required by the Zoning Regulations of Baltimore County, in two newspaper(s) of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: UG DATE: 10/22/92
ESTIMATED FILING DATE: 11/08/92
ITEM #: 141

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/are presently reside at 3500 LOGANVIEW DRIVE

Address: BALTO MD 21222
City: MD State: MD Zip Code: 21222

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance on the above address: (Indicate variance or permit offering)

We have lived in the house as a married couple with no children for 12 years. As we are now planning for children and anticipate an aging parent to move in with us, it is impossible for our present kitchen space to accommodate our needs. Granting this variance will allow us to increase our kitchen space thereby providing a larger living space for our growing family.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Jose Lopez, Jr.
Signature: Jose Lopez, Jr.
Type or print name: JOSE LOPEZ, JR.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of October, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jose Lopez, Jr. and Janice S. Lopez

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

20 October 1992

NOTARY PUBLIC

My Commission Expires: JOSEPH E. FOKUS
My Commission Expires 5/1/94

ZONING DESCRIPTION FOR 3500 LOGANVIEW DRIVE

BEGINNING AT A POINT ON THE NORTHWEST SIDE OF LOGANVIEW DRIVE WHICH IS FIFTY FEET WIDE AT THE DISTANCE OF THIRTY-FIVE FEET NORTHWEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, COURTWAY, WHICH IS FIFTY FEET WIDE, BEING LOT #50, BLOCK 1, SECTION 1, IN THE SUBDIVISION OF DUNDALK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK EBJW 14, FOLIO 113, CONTAINING 5000 SQ. FEET OR 11.4 ACRES. ALSO KNOWN AS 3500 LOGANVIEW DRIVE, IN THE 12th ELECTION DISTRICT.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: DR 5 S Date of Posting: 11/16/92

Posted for: Jose Lopez, Jr.

Petitioner: Jose Lopez, Jr.

Location of property: 3500 Loganview Drive

Location of Sign: Posting to be done on property of Petitioner

Remarks: None

Posted by: None Date of return: 11/16/92

Number of Signs: 4

PUBLIC HEARING FEES		QTY	AMOUNT
010 - ZONING VARIANCE (FRL)	1	X	\$50.00
080 - POSTING SIGNS / ADVERTISING	1	X	\$35.00
TOTAL:			\$85.00
LAST NAME OF OWNER: LOPEZ			
04A04#0076MCHRC \$85.00 BA C009130AM10-22-92 Please Make Checks Payable To: Baltimore County			
Cashier Validation: <u>93-131-A</u> <u>741</u>			

111 West Chesapeake Avenue
Towson, MD 21204

November 10, 1992

(410) 887-3353

Mr. and Mrs. Jose Lopez, Jr.
3500 Loganview Drive
Baltimore, MD 21222

RE: Case No. 93-131-A, Item No. 141
Petitioner: Jose Lopez, Jr., et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Lopez:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this
22nd day of October, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Jose Lopez, Jr., et ux
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature *Dennis D. Ramsey* Date *11/9/92*

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Steven and Nadine Mosgin	129		11-2-92 NC
DED DEPRM RP STP TE			
Edward L. And Linda M. Gittings	134		comment
DED DEPRM RP STP TE			
Kathleen Gaier	135		NC
DED DEPRM RP STE RP			
Charles E. Anderson	136		comment
DED DEPRM RP STP TE			
✓ Richard E. Shetrone Jay E. Boyd	137		NC
DED DEPRM RP STP TE			
Fred C. and Soung O. Yoo	138		comment
DED DEPRM RP STP TE			
✓ John and Barbara Taylor	139		NC
DED DEPRM RP STP TE			
✓ Jose and Janice S. Lopez	141		NC
DED DEPRM RP STP TE			
Russell L. Elliott	142		NC
DED DEPRM RP STP TE			
Nick J. and Koula I. Proakis	143		NC
DED DEPRM RP STP TE			
Daniel T. and Sharon L. Wolfrey	144		NC
DED DEPRM RP STP TE			
Mark N. and Deborah A. Cleaver	145		NC
DED DEPRM RP STP TE			

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: #141 (LJG)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it
does not access a State roadway and is not affected by any State Highway Administration
projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey 10/31/92
John Contestabile, Chief
Engineering Access Permits
Division

Rec'd 11/5/92

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-402-5942 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 5, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(November 7, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):

Steven and Nadine Mosgin, Item No. 129
Kathleen Gaier, Item No. 135
Richard Shetrone and Jay Boyd, Item No. 137
John and Barbara Taylor, Item No. 139
Jose & Janice Lopez, Item No. 141
Nick and Koula Proakis, Item No. 143
Daniel and Sharon Wolfrey, Item No. 144
Mark and Deborah Cleaver, Item No. 145
Mike and Patricia Siano, Item No. 146
Randall and Dorothy Pettie, Item No. 147

If there should be any further questions or if this office can provide additional
information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *James Morsey*

Division Chief: *Ervin Mc Daniel*

EMD/FM:rdn

129, ZAC/ZAC1

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature *W. Carl Richards Jr.* Date *11/17/92*

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Steven and Nadine Mosgin	129		11-2-92
DED DEPRM RP STP TE			
Edward L. And Linda M. Gittings	134		MT
DED DEPRM RP STP TE			
Kathleen Gaier	135		NC
DED DEPRM RP STE RP			
Charles E. Anderson	136		NC
DED DEPRM RP STP TE			
Richard E. Shetrone Jay E. Boyd	137		NC
DED DEPRM RP STP TE			
Fred C. and Soung O. Yoo	138		NC
DED DEPRM RP STP TE			
John and Barbara Taylor	139		NC
DED DEPRM RP STP TE			
Jose and Janice S. Lopez	141		NC
DED DEPRM RP STP TE			
Russell L. Elliott	142		NC
DED DEPRM RP STP TE			
Nick J. and Koula I. Proakis	143		NC
DED DEPRM RP STP TE			
Daniel T. and Sharon L. Wolfrey	144		NC
DED DEPRM RP STP TE			
Mark N. and Deborah A. Cleaver	145		NC
DED DEPRM RP STP TE			

Baltimore County Government
Fire Department
700 East Joppa Road Suite 301
Towson, MD 21204-5500
NOVEMBER 16, 1992
(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOSE LOPEZ, JR. AND JANICE S. LOPEZ

Location: #3500 LOGANVIEW DRIVE

Item No.: #141 (LJG) Zoning Agenda: NOVEMBER 2, 1992

Gentlemen: *93-131-A*

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1988
edition prior to occupancy.

REVIEWER: *Capt. Jerry J. Jones* Noted and Approved *JP/REK*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/REK

Rec'd 11/18/92

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
OCT. 29 1992
(410) 887-3353

Jose and Janice Lopez
3500 Logansview Drive
Baltimore, Maryland 21222

Re: CASE NUMBER: 93-131-A
LOCATION: 3500 Logansview Drive
12th Election District - 7th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case
number. Any contact made with this office should reference the case number. This letter also serves as a
notice regarding the administrative process.

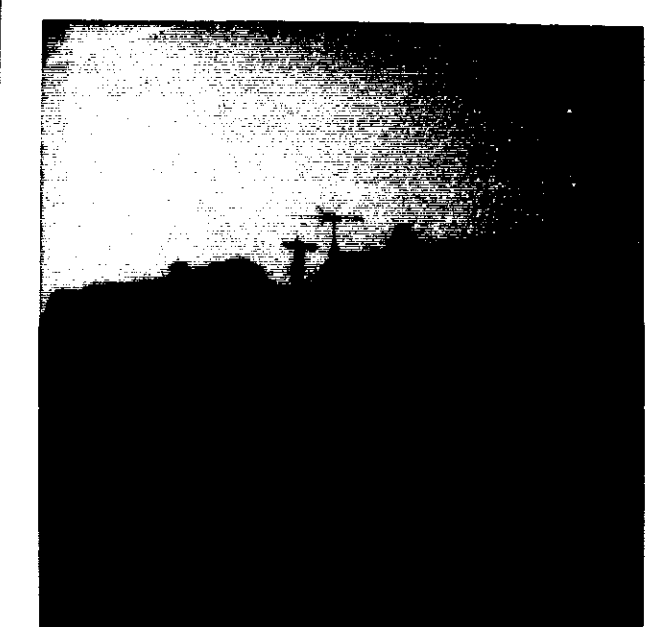
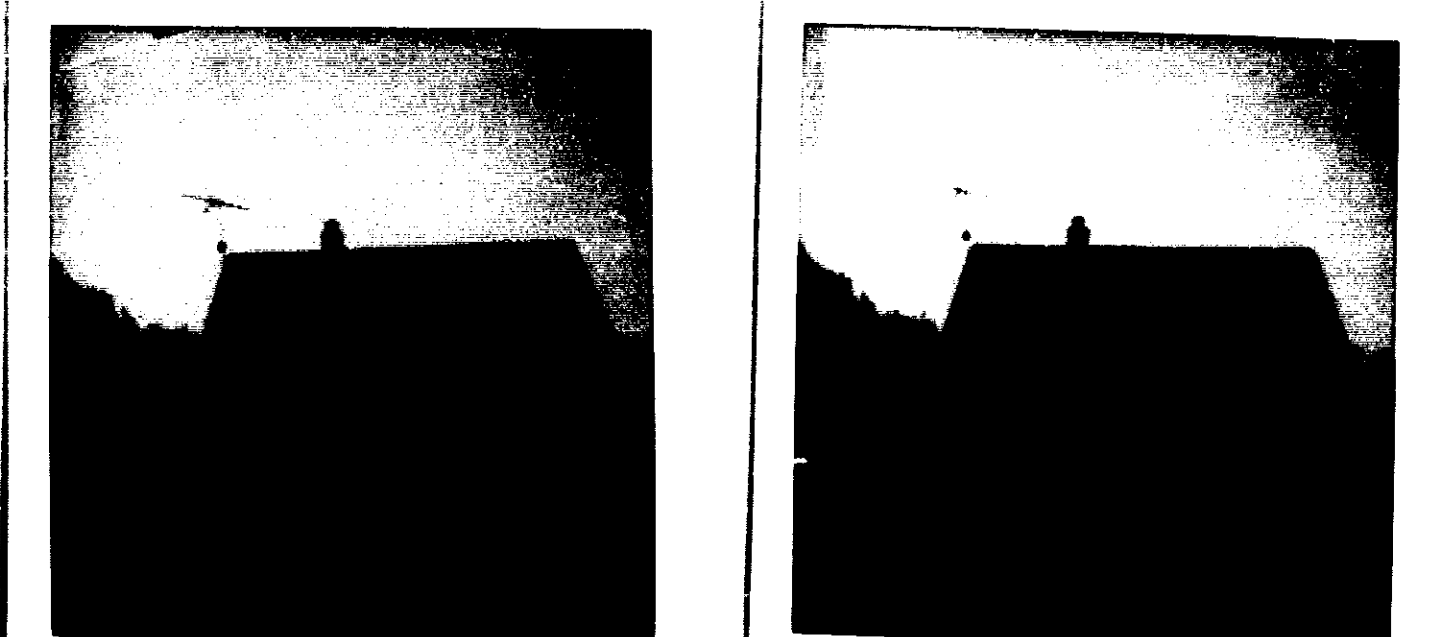
1) Your property will be posted on or before November 1, 1992. The closing date is November 16, 1992.
The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the
closing date, the file will be reviewed by the Zoning or Planning Commission. At that time, an Order
will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that
the matter be set in for a public hearing. You will receive written notification as to whether or not your
petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the
Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County
newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE
PROCESSING IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schuch
Lawrence E. Schuch
Zoning Commissioner, Baltimore County



Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 3500 Loganview Drive
 Subdivision Name: BALTIMORE COUNTY - DUNDALK
 Plat Book: 15, Page 50, Section 7
 OWNER: JOSE + JANICE LOPEZ

93-131-A

see pages 5 & 6 of the CHECKLIST for additional required information

LOT 48 LOT 49 LOT 50 LOT 51 LOT 52

LOGANVIEW DRIVE

DUNDALK AVE.

CRASS MEDIAN

North

date: 10/19/92
 prepared by: JOSE LOPEZ

Scale of Drawing: 1" = 30'

LOCATION INFORMATION

Councilman's District: 7
 Election District: 12
 1" = 200' scale map: SE SE
 Zoning: DR 5.5
 Lot size: 0.11 acreage 5000 square feet

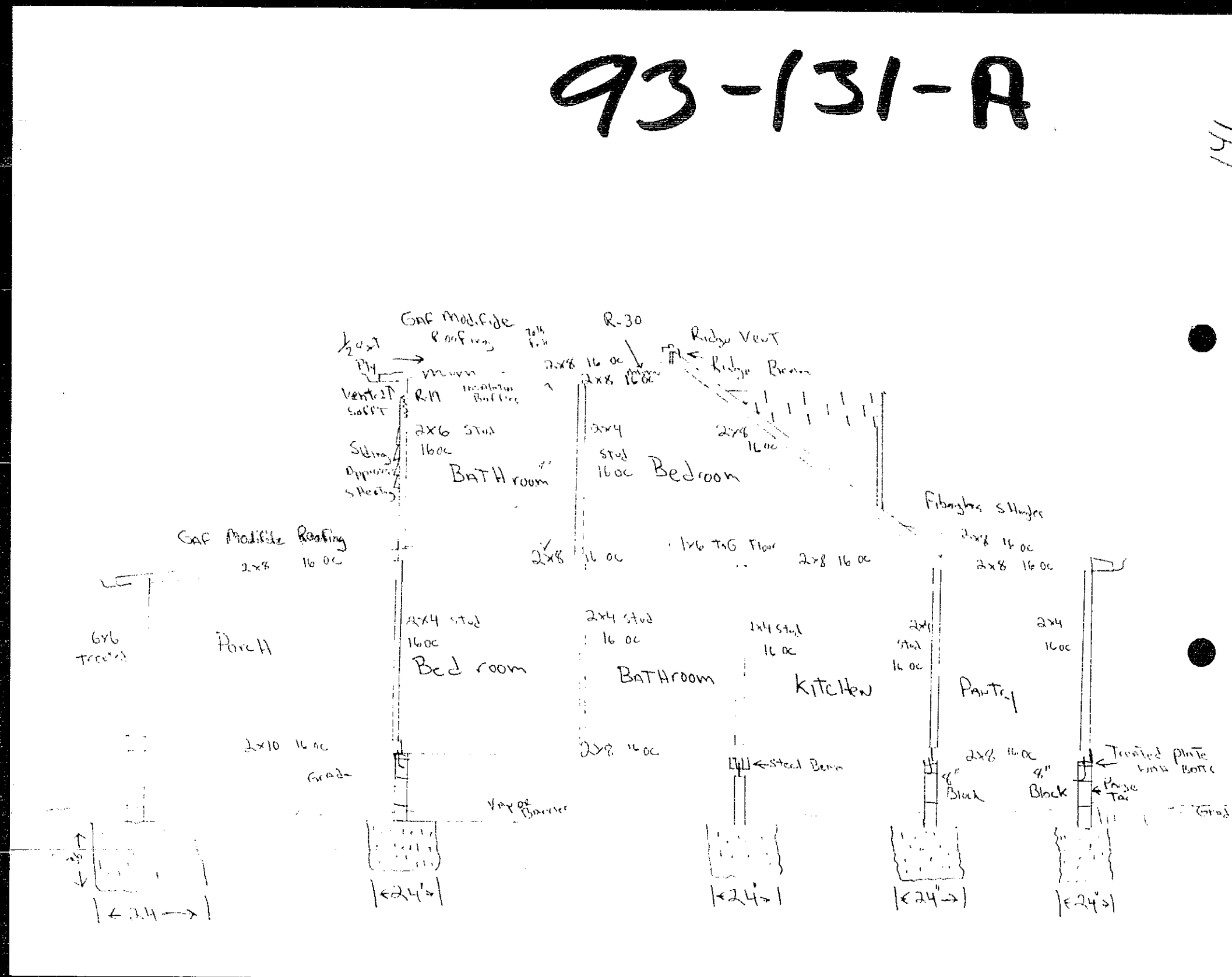
Sewer: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

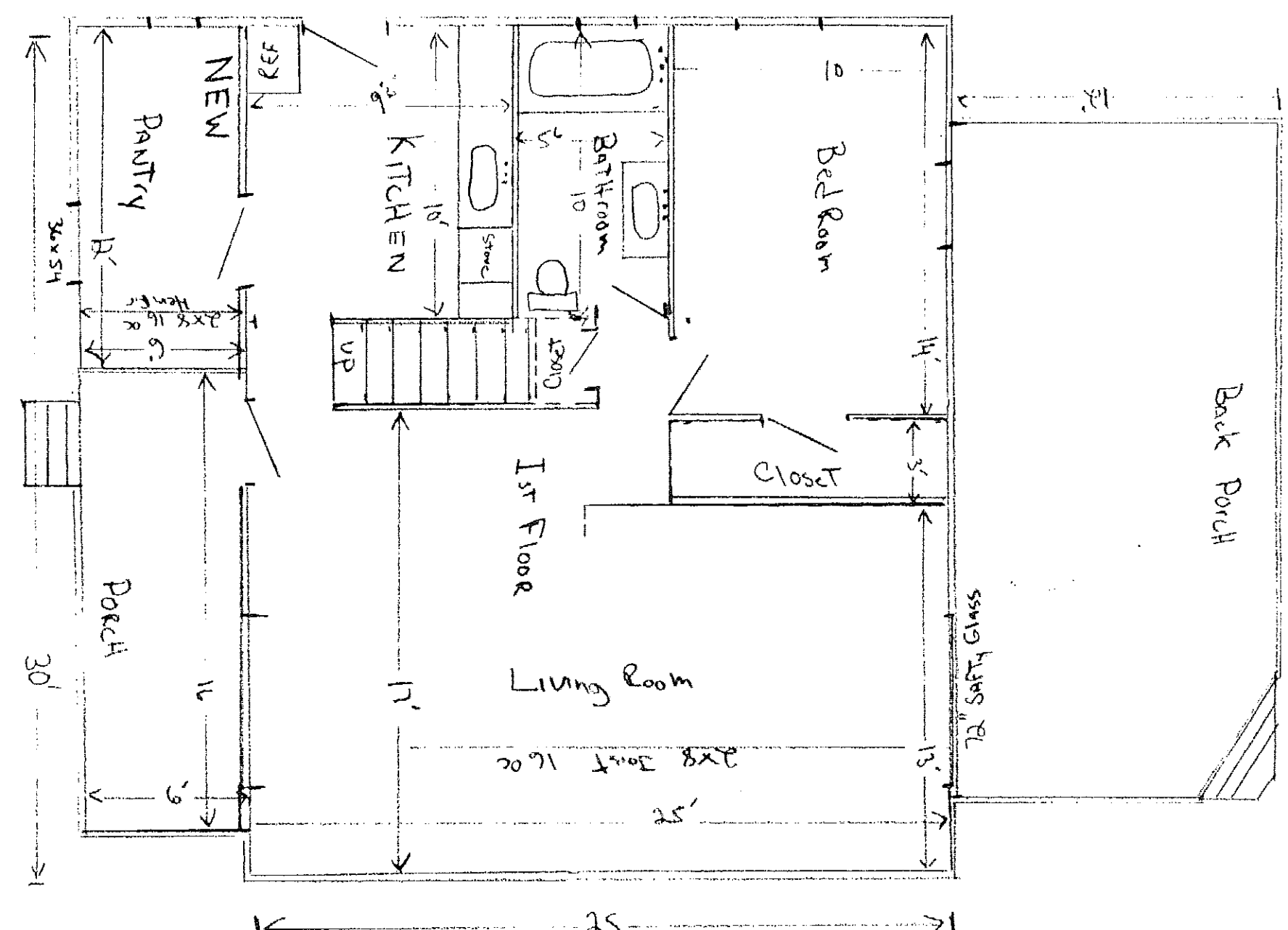
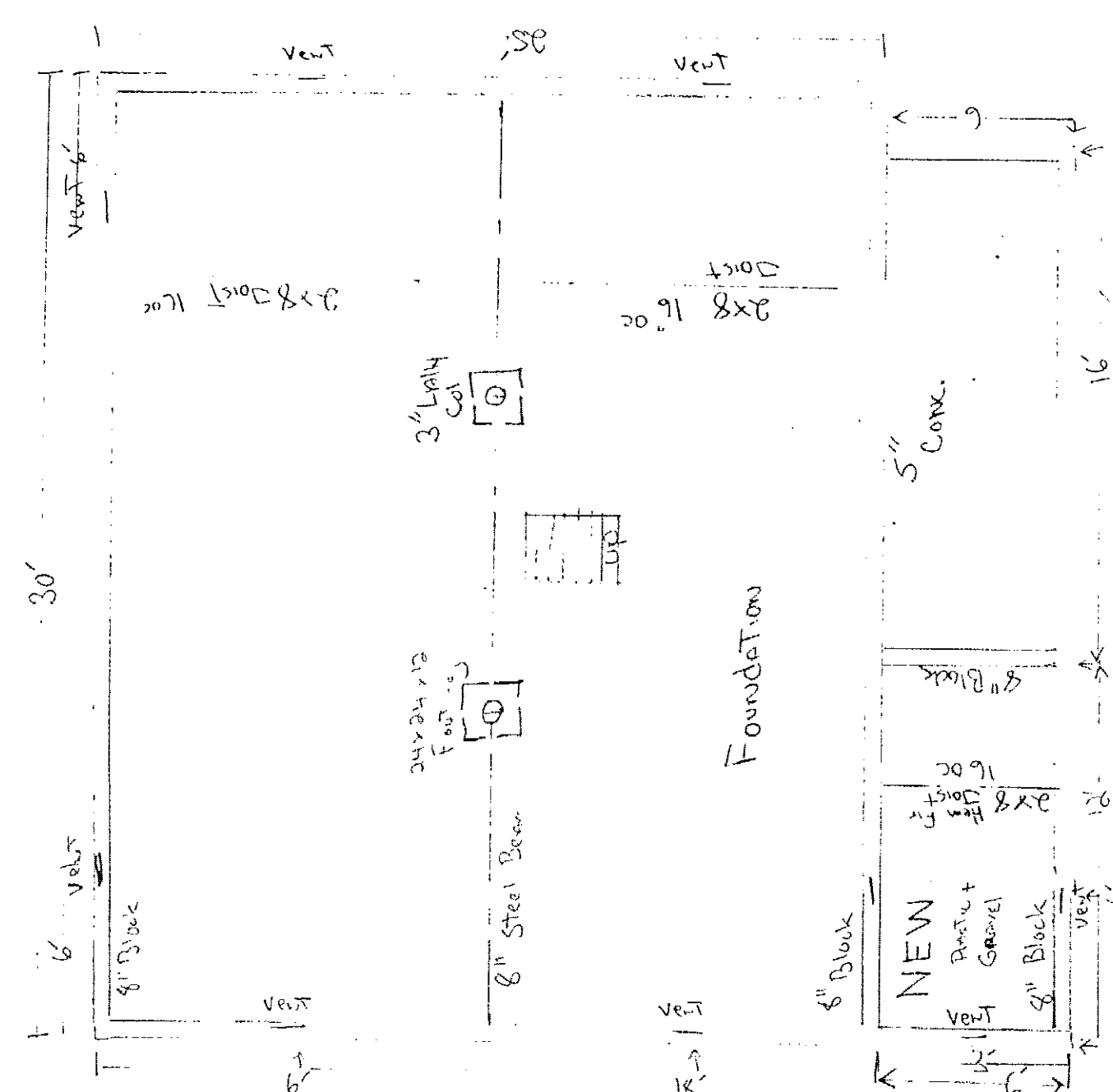
Prior Zoning Hearings: NONE

Zoning Office USE ONLY

reviewed by: LG ITEM #: 141 CASE#:



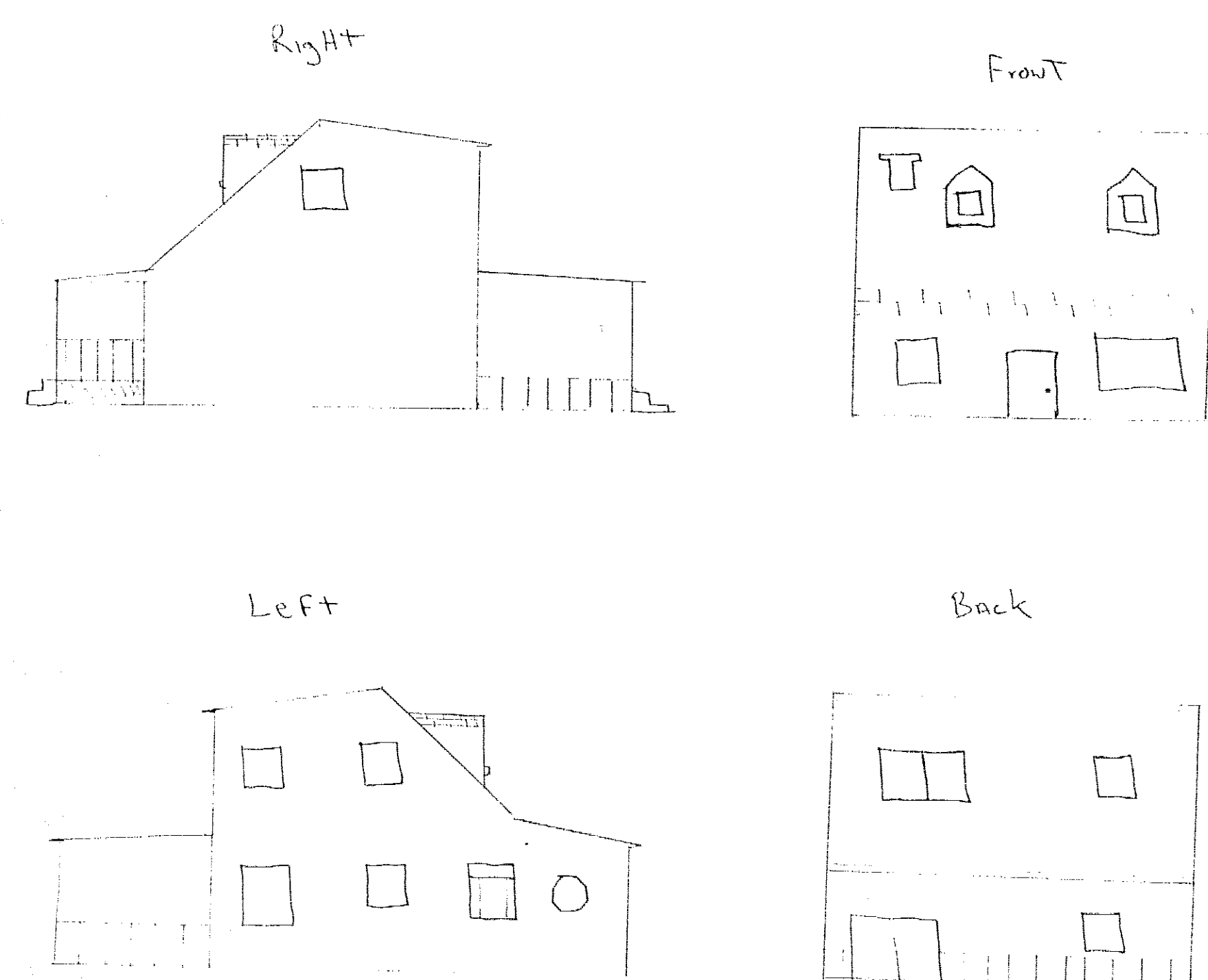
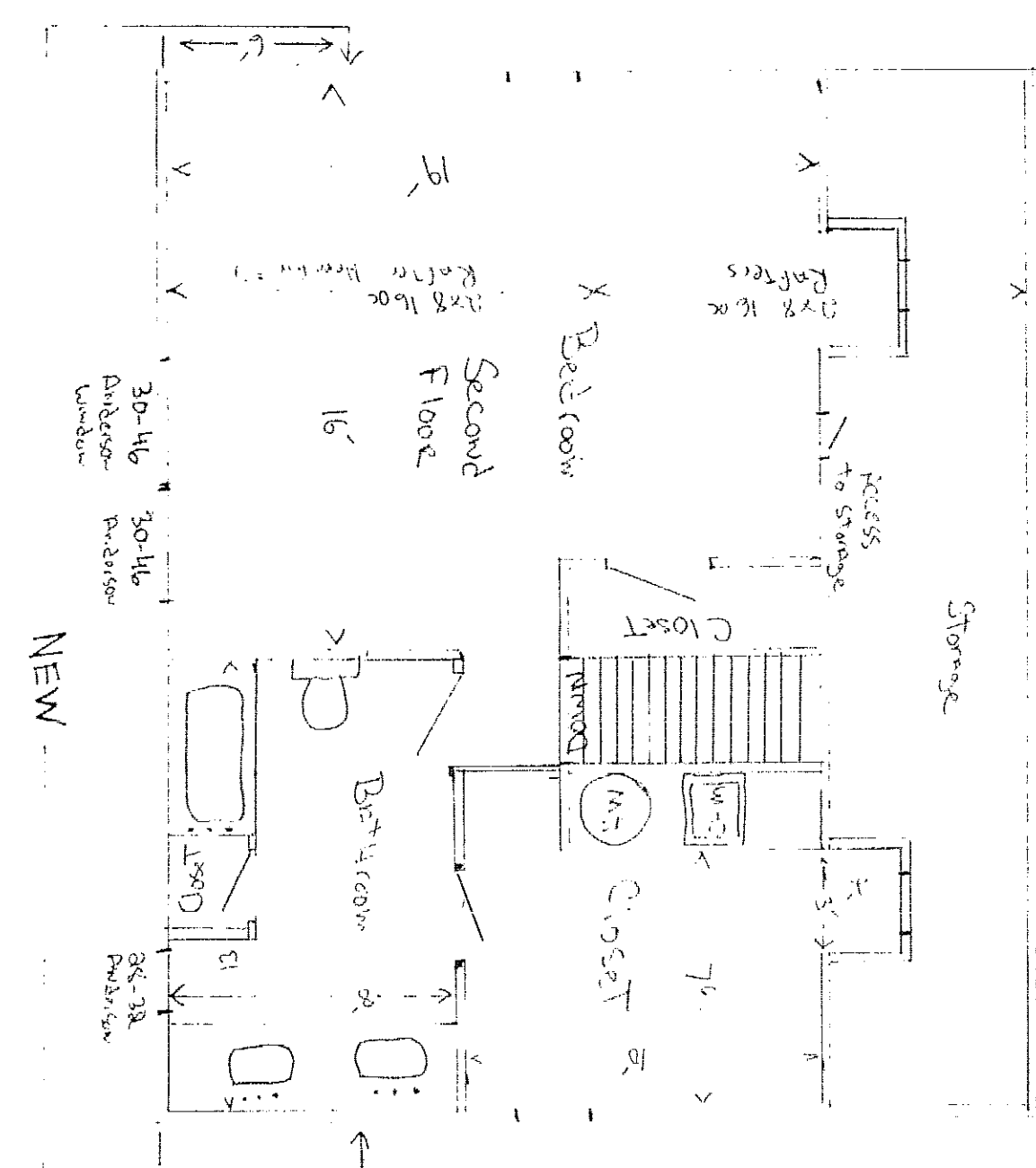
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